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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:20-cv-00354-VKD

PETER STROJNIK,

Plaintiff,

vs.

R.F. WEICHERT V, INC. dba  
JABBERWOCK INN,

Defendant.

**NOTICE OF MOTION AND MOTION  
TO REQUIRE PLAINTIFF TO POST A  
COSTS BOND AND REQUEST FOR A  
STAY PENDING RULING**

Date: December 21, 2021  
Time: 10 a.m.  
Courtroom: 2, 5th Fl.

Hon. Virginia K. DeMarchi

**TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE THAT on December 21, 2021, or as soon thereafter as the matter may be heard in Courtroom 2 of the above-entitled court, R.F. WEICHERT V, INC. (“Defendant”) will and hereby does move the Court for an Order requiring Plaintiff to post a bond for costs and attorney’s fees as an out-of-state plaintiff and to stay this case pending a ruling on this Motion for A Costs Bond. This Court previously denied the Motion as moot, in light of its order striking the Second Amended Complaint. However, in light of Plaintiff’s new Amended Complaint, the Motion for a Costs Bond is no longer moot. This motion is brought on the following grounds, as more fully set forth in the Memorandum of Points and Authorities.

1. Peter Strojnik (“Plaintiff”) is an out of state plaintiff and there is a reasonable possibility that the moving defendant will obtain judgment in the action or special proceeding. *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9<sup>th</sup> Cir. 1994) citing California Code Civ. P. § 1030.

2. Strojnik has been ordered to pay over \$80,000 in attorneys fees in the following cases: *Strojnik v. Village 1107 Coronado, Inc.*, No. 19-cv-02210-BAS-MSB, 2021 U.S. Dist. LEXIS 6824 (S.D. Cal. Jan. 12, 2021) (\$21,995) and contempt sanctions in that same case totaling \$22,000; *Strojnik v. Inn At Jack London Square, LLC*, Case No. 4:20-cv-01289-SBA, ECF 29, 2021 U.S. Dist. LEXIS 28065 (N.D. Cal. January 28, 2021) (report and recommendation for \$17,850 in attorney’s fees after dismissing the complaint); *Strojnik v. Portola Hotel, LLC*, No. 19-cv-07579-VKD, 2021 U.S. Dist. LEXIS 174905 (N.D. Cal. Sep. 14, 2021) (awarding \$13,662 in attorney’s fees); and *Strojnik v. 1315 Orange Ave. LLC*, No. 3:19-cv-1991-LAB (JLB), 2021 U.S. Dist. LEXIS 187126 (S.D. Cal. Sep. 29, 2021)(finding Strojnik to be a vexatious litigant and awarding \$11,400 in attorney’s fees). Strojnik has also been held in contempt for failing to pay court-ordered sanctions in *Strojnik v. 1315 Orange Ave. LLC*, No. 3:19-cv-1991-LAB (JLB)

3. Additionally, the following courts have ordered Strojnik to post a cost bond, which he has refused to do: *Strojnik v. Kamla Hotels, Inc.*, No. 19-cv-02212-AJB-AHG,

2021 U.S. Dist. LEXIS 144148 (S.D. Cal. July 30, 2021); *Strojnisk v. Woodside Hotel Grp., Ltd.*, No. 20-cv-03204-BLF, 2021 U.S. Dist. LEXIS 24880 (N.D. Cal. Feb. 9, 2021); *Strojnisk v. Driftwood Hosp. Mgmt. LLC*, No. CV-20-01532-PHX-DJH, 2021 U.S. Dist. LEXIS 1720 (D. Ariz. Jan. 6, 2021) (requiring that Strojnisk, as a vexatious litigant, post a \$10,000 bond as an additional condition to filing a federal ADA complaint or if any ADA case is removed to federal court); and *Strojnisk v. Sashi Goup, LLC*, Santa Clara Superior Court Case No. 20CV367614 (ordering Strojnisk to post a \$50,000 bond).

4. Furthermore, Strojnisk has yet to pay any of the attorney's fees awards and has refused to file any bonds as ordered by the courts.

5. Defendant should not have to respond to yet another bad faith complaint until such time as this Court determines whether he must post a bond in this case.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Philip H. Stillman and exhibits thereto, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of the hearing, if any.

WHEREFORE, defendant R.F.Reichert V, Inc. respectfully requests that this Court require plaintiff to post a bond sufficient to cover Defendant's costs and attorney's fees in the amount of \$75,000 and to stay this case pending a ruling on this Motion.

Respectfully Submitted,

STILLMAN & ASSOCIATES



Dated: November 15, 2021

By: Philip H. Stillman, Esq.

Attorneys for defendant R.F. WEICHERT V, INC.

**PROOF OF SERVICE**

I, the undersigned, certify under penalty of perjury that on November 15, 2021 or as soon as possible thereafter, copies of the foregoing Motion For a Costs Bond, Memorandum of Points and Authorities, the Declaration of Philip Stillman and Proposed Order was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and via email to Plaintiff's email address listed with this Court.

By: /s/ Philip H. Stillman  
Attorneys for R.F. WEICHERT V, INC.